

PROPERTY ASSESSMENT APPEAL BOARD
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

PAAB Docket No. 2019-077-00301R

Parcel No. 171/00360-962-002

Nathan Trexel,

Appellant,

vs.

Polk County Board of Review,

Appellee.

Introduction

The appeal came on for written consideration before the Property Assessment Appeal Board (PAAB) on November 8, 2019. Nathan Trexel is self-represented and asked that the appeal proceed without a hearing. Assistant County Attorney Jason Wittgraf represents the Polk County Board of Review.

Nathan Trexel owns a residential property located at 2209 Hearthstone Circle SW, Altoona. The property's January 1, 2019, assessment was set at \$383,100, allocated as \$52,100 in land value and \$331,000 in dwelling value. (Ex. A).

Trexel petitioned the Board of Review contending his assessment was not equitable as compared with assessments of other like property. Iowa Code § 441.37(1)(a)(1) (2019). The Board of Review denied the petition. (Ex. B).

Trexel then appealed to PAAB re-asserting his claim.

General Principles of Assessment Law

PAAB has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A. PAAB is an agency and the provisions of the Administrative Procedure Act apply. § 17A.2(1). This appeal is a contested case. § 441.37A(1)(b). PAAB may

consider any grounds under Iowa Code section 441.37(1)(a) properly raised by the appellant following the provisions of section 441.37A(1)(b) and Iowa Admin. Code R. 701-126.2(2-4). New or additional evidence may be introduced. *Id.* PAAB considers the record as a whole and all of the evidence regardless of who introduced it. § 441.37A(3)(a); see also *Hy-Vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption the assessed value is correct, but the taxpayer has the burden of proof. §§ 441.21(3); 441.37A(3)(a). The burden may be shifted; but even if it is not, the taxpayer may still prevail based on a preponderance of the evidence. *Id.*; *Compiano v. Bd. of Review of Polk Cnty.*, 771 N.W.2d 392, 396 (Iowa 2009) (citation omitted).

Findings of Fact

The subject property is a one-story home built in 2011. It has 2092 square feet of gross living area, 1414 square feet of living-quarter quality basement finish, a deck, and a three-car attached garage. The improvements are listed in normal condition with a 2+05 Grade (high quality). The site is 0.251 acres. (Ex. A).

Trexel asserts “like properties in my immediate area have much lower assessments.” (Appeal). Trexel listed five properties on his petition to the Board of Review, but on his appeal to PAAB, he focused on only one comparable property that abuts his home to the rear located at 2110 6th Avenue SW. (Exs. C & 1). Trexel asserts this comparable was built by the same builder as his home, has similar gross living area, and is on a larger lot yet is assessed for \$64,500 less than his property. (Appeal). This comparable property has not recently sold.

Trexel’s comparable property is similar in design, size, grade, and condition to his home but is three years older. (Ex. 1). The most significant difference between the properties is that the comparable does not have any basement finish whereas Trexel’s property has over 1400 square feet of living-quarter quality finish. Trexel’s property also has one additional bathroom. Finally, Trexel’s deck, which was new in 2013, is considerably larger than the deck of his comparable property. (Exs. 1, A & D).

The subject property's cost analysis indicates Trexel's basement finish adds \$71,690 cost new to his assessment. After applying 3% physical depreciation and a map factor (neighborhood adjustment), the subject's basement finish adds \$53,545 to Trexel's assessed value. (Ex. A, p. 5). This element of comparison alone helps explain a large part of the difference in assessments between his property and his backdoor neighbor. The remaining difference may be attributed, in part, to differences in physical depreciation since the comparable property is a few years older.

Trexel did not submit any other evidence to PAAB.

Analysis & Conclusions of Law

Trexel contends the subject property is inequitably assessed as provided under Iowa Code section 441.37(1)(a)(1).

To prove inequity, a taxpayer may show an assessor did not apply an assessing method uniformly to similarly situated or comparable properties. *Eagle Food Centers v. Bd. of Review of the City of Davenport*, 497 N.W.2d 860, 865 (Iowa 1993). Here, we find Trexel did not demonstrate the Assessor applied an assessing method in a non-uniform manner.

Alternatively, a taxpayer may show the property is assessed higher proportionately than other like properties using criteria set forth in *Maxwell v. Shivers*, 133 N.W.2d 709, 711 (Iowa 1965). The *Maxwell* test provides inequity exists when, after considering the actual (2018) and assessed (2019) values of similar properties, the subject property is assessed at a higher proportion of its actual value. *Id.* It is insufficient to simply compare the subject property's assessed value to the assessments of other properties or to compare the rate of change in assessment amongst properties.

Trexel submitted only one comparable property but it has not sold and a *Maxwell* ratio analysis could not be developed. Additionally, an equity claim under *Maxwell*, requires more than one property must be analyzed. *Miller v. Property Assessment Appeal Bd.*, 2019 WL 3714977 (Iowa Ct. App. Aug. 7, 2019). Lastly, the *Maxwell* analysis cannot be completed as an assessment to sale price ratio also needs to be developed for the subject property. The subject property did not recently sell, nor did

Trexel offer evidence of its January 1, 2019, market value. A ratio for similar properties as well as the subject property is required in order to determine if the subject property is assessed at a higher proportion of its actual value than other sale properties.

The one property submitted by Trexel does not have any basement finish and his property has over 1400 square feet of living-quarter-quality finish that explains the majority of the differences in his assessed value compared to it.

Viewing the record as a whole, we find Trexel failed to prove the subject property's assessed value is inequitable.

Order

PAAB HEREBY AFFIRMS the Polk County Board of Review's action.

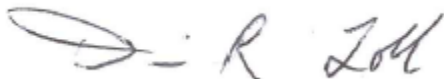
This Order shall be considered final agency action for the purposes of Iowa Code Chapter 17A (2019).

Any application for reconsideration or rehearing shall be filed with PAAB within 20 days of the date of this Order and comply with the requirements of PAAB administrative rules. Such application will stay the period for filing a judicial review action.

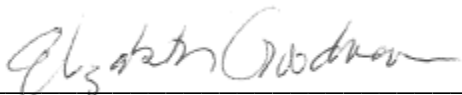
Any judicial action challenging this Order shall be filed in the district court where the property is located within 30 days of the date of this Order and comply with the requirements of Iowa Code section 441.37B and Chapter 17A (2019).



Karen Oberman, Board Member



Dennis Loll, Board Member



Elizabeth Goodman, Board Member

Copies to:

Nathan Trexel by eFile

Polk County Board of Review by eFile